

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Browne	Team: Squad #5	CCRB Case #: 201405893	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/02/2014 6:10 PM	Location of Incident: § 87(2)(b); Mott Avenue and McBride Street; 101st PCT stationhouse	Precinct: 101	18 Mo. SOL 11/2/2015	EO SOL 11/2/2015	
Date/Time CV Reported Mon, 06/16/2014 9:11 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 06/16/2014 9:11 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Justin Ellis	18965	944536	101 PCT
2. POM Lukasz Solis	14287	943832	101 PCT
3. SGT Steve Crozier	02379	929964	101 PCT
4. POM Anthony Rivelli	09204	927416	101 PCT
5. POM Carlos Segovia	26422	937513	101 PCT
6. POM Jason Jansky	31469	936807	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Steve Crozier	Abuse: Sgt. Steve Crozier stopped § 87(2)(b) outside § 87(2)(b) on May 2, 2014.	§ 87(2)(b)
B.SGT Steve Crozier	Abuse: Sgt. Steve Crozier questioned § 87(2)(b) and § 87(2)(b) outside § 87(2)(b) on May 2, 2014.	§ 87(2)(b)
C.SGT Steve Crozier	Abuse: Sgt. Steve Crozier threatened to notify the Administration for Children's Services outside § 87(2)(b) on May 2, 2014.	§ 87(2)(b)
D.SGT Steve Crozier	Abuse: Sgt. Steve Crozier threatened to arrest § 87(2)(b) and § 87(2)(b) outside § 87(2)(b) on May 2, 2014.	§ 87(2)(b)
E.POM Justin Ellis	Abuse: PO Justin Ellis stopped § 87(2)(b) on Mott Avenue and McBride Street on May 31, 2014.	§ 87(2)(b)
F.SGT Steve Crozier	Abuse: Sgt. Steve Crozier questioned § 87(2)(b) at the 101st Precinct stationhouse on May 31, 2014.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]

### Case Summary

At approximately 6:10 p.m. on May 2, 2014, § 87(2)(b) and § 87(2)(b) were standing on the sidewalk outside § 87(2)(b)'s house, located at § 87(2)(b) in Far Rockaway, when Sgt. Steve Crozier, accompanied by PO Lukasz Solis, PO Justin Ellis, PO Jason Jansky, PO Carlos Segovia, and allegedly other unidentified officers, approached and ordered them to stand against the fence (**Allegation A**). Sgt. Crozier then allegedly told § 87(2)(b) that he had information regarding guns in the house and asked what he was doing there (**Allegation B**). When § 87(2)(b) replied that he and § 87(2)(b) were just talking, Sgt. Crozier presented a piece of paper and asked § 87(2)(b) to sign for consent to search the house. § 87(2)(b) refused to do so. Shortly thereafter, § 87(2)(b)'s mother, § 87(2)(b) arrived and Sgt. Crozier explained the same to her, similarly asking her to sign a consent form to search the house (**subsumed within Allegation B**). It was alleged that over the course of the next several hours, Sgt. Crozier and his officers remained outside the house, preventing anyone from entering unless § 87(2)(b) gave consent to search. During this time, it was alleged that Sgt. Crozier heard a baby crying inside the house and stated that ACS could take the child away (**Allegation C**). Sgt. Crozier also allegedly told § 87(2)(b) that if she did not sign the consent form, he would return with warrants to arrest everyone there (**Allegation D**). However, the officers ultimately left the scene without entering the location or making any arrests.

At approximately 12:24 a.m. on May 31, 2014, § 87(2)(b) and an unidentified individual were walking near the corner of Mott Avenue and McBride Street in Queens when they were approached by PO Ellis and PO Solis. PO Ellis allegedly ordered both civilians to stand against the police car (**Allegation E**) and asked them if they had anything on them (**subsumed within Allegation E**). The individual allegedly replied that he had nothing on him, at which point PO Ellis told him to leave. § 87(2)(b) allegedly replied that he had a box cutter and pepper spray in his front hoodie pouch, so PO Ellis instructed him to slowly remove them and asked why he had those items. § 87(2)(b) stated that he had been mugged a few days prior and needed them for his protection. PO Ellis allegedly then frisked § 87(2)(b)'s entire body and stated that § 87(2)(b) seemed familiar, so he asked for his full name, which § 87(2)(b) provided. PO Ellis then called for assistance and Sgt. Crozier, PO Rivelli, and PO Segovia responded to the scene. Sgt. Crozier, PO Ellis, and PO Solis then transported § 87(2)(b) to the stationhouse where Sgt. Crozier again allegedly asked him to sign a consent form to search his home (**Allegation F**). When he refused, Sgt. Crozier reportedly went to § 87(2)(b) to speak to § 87(2)(b) though she was not home.

### Mediation, Civil and Criminal Histories

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Civilian and Officer CCRB Histories

- Sgt. Crozier has been a member of the NYPD for twelve years and has been a subject in four prior cases (encl. 5A-B). One allegation of a frisk as part of case #201304499 was substantiated against him, for which he was issued instructions. § 87(2)(g)  
[REDACTED]

- PO Ellis has been a member of the NYPD for seven years and has been a subject in ten previous cases (encl. 6A-B). Two allegations—one of a stop and one of a retaliatory summons—were substantiated against him as the result of case #200816433.
- PO Solis has been a member of the NYPD for eight years and has been a subject in four previous cases (encl. 7A). § 87(2)(g), § 87(4-b)
- PO Jansky has been a member of the NYPD for ten years and has been a subject in five previous cases (encl. 8A). One allegation of a vehicle search has been substantiated against him § 87(2)(g), § 87(4-b)
- PO Segovia has been a member of the NYPD for ten years and has been a subject in seven previous cases (encl. 9A). One allegation of a vehicle search has been substantiated against him § 87(2)(g), § 87(4-b)
- PO Rivelli has been a member of the NYPD for fourteen years and has been a subject in fourteen previous cases (encl. 10A-C). Although he had no substantiated allegations against him, § 87(2)(g), § 87(4-b)
- This is the first CCRB complaint filed by § 87(2)(b) or § 87(2)(b) § 87(2)(b) (encl. 11A-C).

### **Potential Issues**

§ 87(2)(b) scheduled two separate appointments on July 18, 2014 and August 15, 2014, respectively. However, he missed both of these appointments without calling in advance to cancel or reschedule. Similarly, § 87(2)(b) scheduled her first interview for July 15, 2014. After missing this appointment without calling in advance to cancel or reschedule, two phone calls were placed and two letters were mailed on July 17, 2014 and July 23, 2014, respectively, to reschedule the appointment. However, as of the date of this report, neither § 87(2)(b) nor § 87(2)(b) has contacted the CCRB to provide a statement.

Although both the civilians and the officers confirmed that several uniformed officers were also outside the house on May 2, 2014, none of officers interviewed could identify these additional officers and no police documentation provided any identifying information. § 87(2)(g)

### **Findings and Recommendations**

#### **Allegations Not Pleaded**

- Although it was alleged that § 87(2)(b) was detained with § 87(2)(b) that the threat of arrest included § 87(2)(b) and § 87(2)(b) and that an officer used offensive sexual language towards § 87(2)(b) § 87(2)(g)
- Although § 87(2)(b) alleged that the individual with whom he was walking was also stopped and questioned, he was unable to provide his name or contact information, § 87(2)(g)
- Although § 87(2)(b) alleged that the officers would not allow her or anyone else to enter the house, there was no indication that they were not otherwise free to leave the location. § 87(2)(g)
- Despite conflicting testimonies from § 87(2)(b) and PO Ellis, the frisk and search occurred, by both accounts, after it was determined that § 87(2)(b) was under arrest. § 87(2)(g)

**Allegation A—Abuse of Authority: Sgt. Steve Crozier stopped § 87(2)(b) outside § 87(2)(b) on May 2, 2014.**

**Allegation C—Abuse of Authority: Sgt. Steve Crozier threatened to notify the Administration for Children's Services outside § 87(2)(b) on May 2, 2014.**

**Allegation D—Abuse of Authority: Sgt. Steve Crozier threatened to arrest § 87(2)(b) and § 87(2)(b) outside § 87(2)(b) on May 2, 2014.**

§ 87(2)(b) (encl. 17A-E) alleged that upon approach, Sgt. Crozier instructed him to stand against the fence. § 87(2)(b) (encl. 15A-F) confirmed that when Sgt. Crozier approached her, he stated that he had § 87(2)(b) detained. Both civilians alleged that during the subsequent interaction, Sgt. Crozier heard a baby crying inside the house and stated that ACS could remove the child from the home. Both civilians also alleged that Sgt. Crozier threatened to arrest everyone present if they did not sign a consent to search form.

Conversely, Sgt. Crozier (encl. 19A-F) denied ever detaining anyone at the location or preventing anyone from either entering the house or leaving the location. He did not recall speaking to any civilian other than § 87(2)(b) and denied ever threatening to call ACS for a child or to arrest any civilian. Although the investigation determined that PO Ellis (encl. 20A-F) and PO Solis (encl. 21A-G), were present for at least part of Sgt. Crozier's visit, neither had any recollection of responding to the location or interacting with any civilians as alleged. PO Jansky (encl. 22A-D) and PO Segovia (encl. 23A-F) both recalled stopping by the location on their way to obtain a search warrant for a separate location. Although they both reportedly saw Sgt. Crozier speaking to § 87(2)(b) neither heard any specific conversation, including any of the alleged threats to arrest anyone or call ACS. Both officers maintained that they remained at the scene for no more than five minutes. Only PO Segovia recalled there being multiple civilians on scene.

§ 87(2)(g)

**Allegation B—Abuse of Authority: Sgt. Steve Crozier questioned § 87(2)(b) and § 87(2)(b) outside § 87(2)(b) on May 2, 2014.**

§ 87(2)(e), § 87(2)(f)

When § 87(2)(b) reportedly replied that he was just chatting with § 87(2)(b) Sgt. Crozier requested that he sign a consent to search form. § 87(2)(b) refused to do, allegedly prompting Sgt. Crozier to ask to speak with the owner of the house. § 87(2)(b) was coincidentally approaching on foot at that time, and it is undisputed that Sgt. Crozier approached her, explained that he had information regarding a gun in the house, and requested that she sign a consent form to search the premises.

Although Sgt. Crozier denied speaking to or questioning anyone other than § 87(2)(b) he stated that he initially asked her if she was the owner of the house. When she confirmed that she was, he then made his request for consent to search. § 87(2)(e)

Neither PO Ellis nor PO Solis had any recollection of the circumstances upon which Sgt. Crozier responded to the location. § 87(2)(e)

§ 87(2)(e), § 87(2)(f)

At the time of the incident, § 87(2)(b) was a § 87(2)(b)-old black male who stood 6’3”, weighed 200 lbs., and lived at § 87(2)(b)

In the absence of further corroboration or indication of impending criminal activity, an anonymous tip that an individual possesses a gun does not provide reasonable suspicion to conduct a stop, even if a description of that individual is provided. However, such a tip does provide founded suspicion for an officer to make both general requests for information as well as common-law inquiries that include accusatory questions. People v. Rios, 27 Misc. 3d 963 (Sup. Ct., Kings Co. 2010) (encl. 1A-F). A request for consent to search constitutes a common-law inquiry, as it implies criminality. People v. Hollman, 79 N.Y.2d 181 (1992) (encl. 2A-H).

§ 87(2)(g)

**Allegation E—Abuse of Authority: PO Justin Ellis stopped § 87(2)(b) on Mott Avenue and McBride Street on May 31, 2014.**

§ 87(2)(b) alleged that while walking to the store, PO Ellis stopped him by telling him to stand against his police car and asking him if he had anything on him, to which § 87(2)(b) admitted to carrying a box cutter and pepper spray in his front hoodie pouch because he had been attacked a few days earlier and wanted them for protection. § 87(2)(b) was arrested (encl. 25A-D) for

§ 87(2)(b)

Conversely, PO Ellis maintained that while driving his vehicle slowly near the above location, which was well lit by street lights, he observed § 87(2)(b) walking with a box cutter visibly sticking out of his front hoodie pouch. Although PO Ellis could not describe exactly what part of the box cutter was exposed, he affirmed that he immediately knew it was a box cutter based on



As explained above, a request for consent to search constitutes a common-law inquiry requiring founded suspicion that criminality is afoot. People v. Hollman, 79 N.Y.2d 181 (1992).

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)



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POD: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date